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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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KARL ERIK STAHL

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STAAS & HALSEY LLP

SUITE 700

1201 NEW YORK AVENUE, N.W.

WASHINGTON, DC 20005

EXAMINER

DUONG, DUC T

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

05/14/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	09/397,959		STAHL, KARL ERIK	
	Examiner		Art Unit	
	Duc T. Duong		2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 7-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The indicated allowability of claims 5 and 7-13 are withdrawn in view of the newly discovered reference(s) to Schuster et al (US Patent 6,650,619 B1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5, 7-9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al (US Patent 6,954,454 B1) in view of Voit (US Patent 6,075,783) and Schuster et al (US Patent 6,650,619 B1).

Regarding to claims 5 and 8, Schuster (US Patent 6,954,454 B1) discloses a telecommunication apparatus 100 for voice and data communications (fig. 2) comprising a first port (connection from the CO switch 120 to the PSTN 129) to connect said apparatus to a PSTN network 129 (col. 6 lines 49-52), a second port (connection from the router 140 to the IP networks 141-142) to connect said apparatus to a packet-based network 141-142 (col. 7 lines 31-43); means 120 in said apparatus for a local user 111-115 for to initiate and receive calls with other parties via the circuit switched network or the packet based network (col. 6 lines 53-55); and a single channel gateway means 150 for establishing a path between said first port and said second port inside said

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apparatus (col. 9 lines 34-51), whereby said telecommunication apparatus 23 can serve as part of a distributed gateway system between said circuit switched telecommunication network 18 and said packet based telecommunication network 14 (fig. 2 col. 7 lines 44-55; the gateway 150 serve as a distributed gateway system connecting to both the PSTN 129 and the IP networks 141-142).

Schuster fails to teach for the path established between said first and second ports is in response to a request from a server on the packet based network acting on behalf of a remote caller.

However, Voit discloses an Internet telecommunication system wherein a Domain Name Server 13 is used to on behalf of a remote caller 10 to established communication via Internet 12 (fig. 2-3 col. 9 lines 28-45).

Thus, it would have been obvious to a person of ordinary skill in the art to employ a server as taught by Voit into Schuster's system to provide a wide range of customized routing services.

Schuster and Voit fail to teach for gateway location servers connected to said packet based telecommunication network, said gateway location servers being adapted to receive a request from a first telecommunication apparatus connected to said packet based telecommunication network for telecommunication with a specified telephone apparatus on said circuit switched telecommunication network, and further being programmed to select a second of said telecommunication apparatuses to serve as a gateway between said networks for said requested connection, and to forward said

request to said second telecommunication apparatus via said packet based telecommunication network.

However, Schuster (US Patent 6,650,619 B1) discloses a method and system (fig. 1-3) for facilitating voice and data communications comprising gatekeepers 54 (gateway location servers) connected to said packet based telecommunication network 22, said gatekeepers being adapted to receive a request from a first gateway 12-20 (first telecommunication apparatus) connected to said packet based telecommunication network for telecommunication with a specified telephone apparatus 24-42 on said circuit switched telecommunication network 44-52, and further being programmed to select a second gateway 12-20 (second telecommunication apparatuses) to serve as a gateway between said networks for said requested connection, and to forward said request to said second telecommunication apparatus via said packet based telecommunication network (col. 2 line 29-col. line 7).

Thus, it would have been obvious to a person of ordinary skill in the art to employ such gateway location servers as taught by Schuster (US Patent 6,650,619 B1) into Schuster (US Patent 6,6954, 454 B1) and Voit's system to carry out processing signaling functions associated with call setup.

Regarding to claim 7, Schuster (US Patent 6,954,454 B1) discloses the packet-based telecommunication network comprises the Internet (fig. 2 col. 7 lines 31-43).

Regarding to claims 9 and 11-13, Schuster (US Patent 6,954,454 B1) discloses a telecommunication apparatus 100 for voice and data communications (fig. 2) comprising a first port (connection from the CO switch 120 to the PSTN 129) to connect said

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apparatus to a PSTN network 129 (col. 6 lines 49-52), a second port (connection from the router 140 to the IP networks 141-142) to connect said apparatus to a packet-based network 141-142 (col. 7 lines 31-43); means 120 in said apparatus for a local user 111-115 for to initiate and receive calls with other parties via the circuit switched network or the packet based network (col. 6 lines 53-55); and a single channel gateway means 150 for establishing a path between said first port and said second port inside said apparatus (col. 9 lines 34-51), whereby said telecommunication apparatus 23 can serve as part of a distributed gateway system between said circuit switched telecommunication network 18 and said packet based telecommunication network 14 (fig. 2 col. 7 lines 44-55; the gateway 150 serve as a distributed gateway system connecting to both the PSTN 129 and the IP networks 141-142).

Schuster fails to teach for the path established between said first and second ports is in response to a request from a server on the packet based network acting on behalf of a remote caller.

However, Voit discloses an Internet telecommunication system wherein a Domain Name Server 13 is used to on behalf of a remote caller 10 to established communication via Internet 12 (fig. 2-3 col. 9 lines 28-45).

Thus, it would have been obvious to a person of ordinary skill in the art to employ a server as taught by Voit into Schuster's system to provide a wide range of customized routing services.

Schuster and Voit fail to teach means for registering at said server the availability off said apparatus to act as a gateway between said first port and said second port.

However, Schuster (US Patent 6,650,619 B1) discloses a method and system (fig. 1-3) for facilitating voice and data communications comprising means for registering at said server 54 (col. 7 lines 14-19) the availability of said apparatus 12-20 to act as a gateway between said first port 44-52 and said second port 22 (col. 3 lines 8-41).

Thus, it would have been obvious to a person of ordinary skill in the art to employ such means for registering as taught by Schuster (US Patent 6,650,619 B1) into Schuster (US Patent 6,695,454 B1) and Voit's system to ensure that a communications path exists to carry out call requested.

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al (US Patent 6,954,454 B1), Voit (US Patent 6,075,783), and Schuster et al (US Patent 6,650,619 B1) in view of Bhattacharya (US Patent 6,353,610 B1).

Regarding to claim 10, Schuster (US Patent 6,954,454 B1 and US Patent 6,650,619 B1) and Voit disclose all the limitations with respect to claim 9, except for a means for automatically notifying said gateway location servers when its PSTN connection is Off Hook so it temporarily is not available to serve as a gateway between the packet based network and the circuit switched network. However, Bhattacharya discloses an internet telephony system, wherein a source gateway 100 (gateway location server) is notified of an off hook condition when the destination gateway 130 serving between the Internet 125 and the PSTN 145 detects a busy signal (fig. 1 col. 4 lines 52-61). Thus, it would have been obvious to a person of ordinary skill in the art to employ an off hook notification as taught by Bhattacharya in Schuster and Voit's system to alert the subscriber of the connection status.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is (571)272-3122. The examiner can normally be reached on M-F (8:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. T. D./
Examiner, Art Unit 2619

/Wing F. Chan/
Supervisory Patent Examiner,
Art Unit 2619
5/12/08